HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 11526 OF 2007

DATE: 15.06.2007

BETWEEN

1. K. Uttanna, S/o Pedda Venkata Swamy and five others

....Petitioners

AND

1. Mandal Revenue Officer, Kadiri and two others

.... Respondents

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HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 11526 OF 2007

ORAL ORDER:

Petitioners are the purchasers of the land in S.Nos. 1738/1B and 1739 of Kadiri Town, Kadiri Mandal, admeasuring about Ac. 5.25 cents. They intend to sell this land to third parties. It is stated that when they approached the third respondent for this purpose, they were informed that the document in respect of the said land cannot be accepted for registration in view of the fact that they are included in the list of assigned lands in the District. Petitioners contend that though at one point of time the said lands were included in the list of assigned lands, they have been since deleted, in pursuance of the orders issued by the Government in G.O.Ms.No. 208 Revenue (Assignments-POT) Department dated 22.2.2007. They seek directions to the respondents in view of this development.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 5 of the A.P. Assigned Lands (Prohibition of Alienation) Act, 1977 (for short 'the Act'), prohibits the registration of any transactions in respect of the assigned lands, that are included in the list prepared and maintained by the District Collector. It is not in dispute that the lands in the survey numbers referred to above were assigned in the year 1929 and several transactions took place thereafter. Through the orders in G.O.Ms.No. 208 dated 22.2.2007, the Government directed the

District Collectors to prepare a list of assigned lands, duly giving guidelines to be followed in the process. The learned counsel for the petitioners submits that in the list so prepared by the District Collector, Anantapur District, as on 4.6.2007, the lands in S.Nos. 1738/1B and 1739 of Kadiri Town, Kadiri Mandal, Anantapur District, do not figure at all.

The registering authority cannot by itself decide the character of a land in the context of Section 5 of the Act. For this purpose, it has to rely upon the list prepared by the District Collector. Therefore, if the lands owned by the petitioners are not included in the list of assigned lands, there cannot be any objection to entertain the documents relating thereto.

For the foregoing reasons, the Writ petition is disposed of directing that in case the land of the petitioners in S.Nos. 1738/1B and 1739 are not included in the list of assigned lands, prepared by the District Collector, Anantapur District, the third respondent shall entertain the document that may be presented in relation thereto and process the same in accordance with the provisions of the Registration Act and Indian Stamp Act. If he finds any reason for not entertaining the document, he shall indicate the same to the petitioner within a period of one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Date: 15.06.2007
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